

The Examiner has rejected claims 26 and 27 under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner states it is not clear what structure is intended to be encompassed by recitation of a "pin".

Applicant has amended claim 26 so as to clearly define a pin as necessary for attachment of the pawl arm to the housing. The pin further defines the "means for pivotally securing said housing and said pawl-retaining arm.

Applicant respectfully submits that the rejection to claim 26 and claim 27 which depends directly from claim 26 should be withdrawn.

**3. The Examiner's Rejection of Claims 1 and 2 Under 35 USC 102(b).**

Claims 23 - 36, 39, 40, 50 and 58 are rejected under 35 USC 102(b) as being anticipated by U.S. Pat. No. 4,906,044 ('044) to Wilstermann.

Applicant has amended claim 23 to include the allowable subject matter in claim 37. Applicant submits amended claim 23 should be allowed. In addition, Applicant submits claims 24 through 36 and 38 through 40 which directly or indirectly depend from amended claim 23 should be allowed, as a claim which depends from an allowed base claim should be allowed.

Applicant has amended claim 58 to include a limitation wherein the pawl member has a plurality of arms extending therefrom. Applicant submits the need for a plurality of arms is not found in the '044 patent and is not claimed or disclosed in the '044 patent.

Applicant respectfully submits the rejection should be withdrawn.

Claims 41 - 49, 51 - 53, 55 and 58 are rejected under 35 USC 102(b) as being anticipated by U.S. Pat. No. 5,803,537 ('537) to Langmeser.

Applicant has amended claim 41 to include the allowable subject matter in claim 54. Applicant submits amended claim 41 should be allowed. In addition, Applicant submits claims 42 through 53 and 56 through 57 which directly or indirectly depend from amended claim 41 should be allowed, as a claim which depends from an allowed base claim should be allowed.

Applicant has amended claim 58 to include a limitation wherein the pawl member has a plurality of arms extending therefrom. Applicant submits the need for a plurality of arms is not found in the '537 patent and is not claimed or disclosed in the '537 patent.

Applicant respectfully submits the rejection should be withdrawn.

**4. The Examiner's Rejection's of Claim 4 Under 35 USC 103 (a)**

Claim 56 is rejected under 35 USC 103(a) as being unpatentable over by U.S. Pat. No. 5,803,537 to Langmeser in view of U.S. Pat. No. 5,106,132 ('132) to Bako. The Examiner states that it would have been obvious to one skilled in the art at the time the invention was made to modify the '537 latch in view of '132 to obtain the present invention.

Applicant has amended claim 41 from which claim 56 depends to include the allowable subject matter of claim 54 and therefore, should be allowed. Applicant submits a claim which depends from an allowed base claim should be allowed.

Applicant respectfully submits the rejection should be withdrawn.

Claim 57 is rejected under 35 USC 103(a) as being unpatentable over by U.S. Pat. No. 5,803,537 to Langmeser in view of U.S. Pat. No. 3,951,448 ('448) to Hawie. The Examiner states that it would have been obvious to one skilled in the art at the time the invention was made to modify the '537 latch in view of '448 to obtain the present invention.

Applicant has amended claim 41 from which claim 57 depends to include the allowable subject matter of claim 54 and therefore, should be allowed. Applicant submits a claim which depends from an allowed base claim should be allowed.

Applicant respectfully submits the rejection should be withdrawn.

**CONCLUSION**

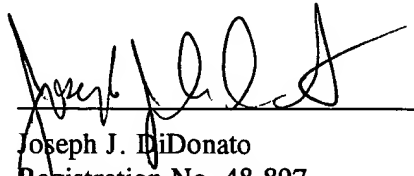
For the reasons set forth above, Applicant respectfully submits that the rejections set forth in the Official Action dated July 20, 2001 have been overcome and that this case is in condition for

immediate allowance. Early and favorable consideration leading to prompt issuance of this application is earnestly solicited.

If further matters remain in connection with this case, the Examiner is invited to telephone the Applicant undersigned representative to resolve them.

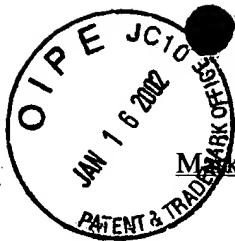
Respectfully submitted,

Date: October 17, 2001

  
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Marked copy of the claims pursuant to 37 C.F.R. § 1.121(c)

23. (Amended) A gravity-sensitive latch comprising:

a housing;

a handle pivotally secured to said housing, said handle pivoting between a latched position and an unlatched position;

a pawl pivotally secured to said housing, said pawl being dimensioned and configured to engage a keeper, said pawl pivoting between a latched position and an unlatched position;

a pawl-retaining arm pivoting between a latched position and an unlatched position;

a pendulum pivotally secured to said pawl-retaining arm, said pendulum being dimensioned and configured to abut said handle, said pendulum pivoting between a latched position and an unlatched position; and

means for pivotally securing said housing and said pawl-retaining arm,

wherein said pawl includes an upper forward arm and a lower forward arm extending toward said handle, a channel between said forward arms, and a third arm extending rearward, said third arm is dimensioned and configured to engage said pawl-retaining arm, said forward arms are dimensioned and configured to secure a keeper, said pawl pivots between said latched position wherein said forward arms are substantially horizontal, and said unlatched position wherein said forward arms point downward.

26. (Amended) The gravity-sensitive latch according to claim 23, wherein: said housing includes a front end, a central portion defining a channel dimensioned and configured to receive said pawl and a keeper, and a rear portion [dimensioned and configured to receive a pin] having at least one aperture for attachment to said means for pivotally securing said housing and said pawl-retaining arm, said means for pivotally securing said housing and said

pawl-retaining arm comprising a pin, said channel dimensioned and configured to pivotally secure said pawl within said housing and

said handle includes a vertical portion, a horizontal portion, and a rear end dimensioned and configured to engage with said front end of said housing.

41. (Amended) A gravity-sensitive latch comprising:

a housing;

a button supported for slidable movement relative to said housing, said button secured to said housing;

a pendulum operatively connected to said button, said pendulum pivoting between a latched position and an unlatched position;

a pawl pivotally secured to said pendulum, said pawl being dimensioned and configured to engage a keeper, said pawl pivoting between a latched position and an unlatched position; and

means for pivotally securing said housing and said pawl-retaining arm,

wherein said means for pivotally securing said housing and said pawl is a rod.

58. (Amended) A gravity-sensitive latch comprising:

a housing;

a [button or] handle secured to said housing;

a pendulum operatively in communication with said [button or] handle, said pendulum pivoting between a latched position and an unlatched position;

a pawl having a plurality of arms extending therefrom, pivotally secured to said housing, said pawl being dimensioned and configured to engage a keeper, said pawl pivoting between a latched position and an unlatched position

a pawl-retaining arm pivoting between a latched position and an unlatched position; and

means for pivotally securing said housing and said pawl-retaining arm.

Marked copy of the specification pursuant to 37 C.F.R. 1.121(b)

Typically, the latch 10b will be secured to a lid, and the keeper 600b will be secured to a frame surrounding the lid. When the lid is closed and the keeper 600b enters the housing 100b, it engages the upper forward arm 442b of the pawl 440b, pushing the pawl 400b towards its horizontal position. As the pawl 400b rotates, the pawl's rearward arm 446b pushes the pawl retaining arm 700b rearward, permitting the pawl 400b to rotate into a horizontal position. Once the pawl 400b is horizontal, the pawl-retaining arm 700b moves forward under spring pressure, to a position [under] above the pawl's rear arm 446b thereby stopping counterclockwise rotation of the pawl 400b. The keeper 600 is thereby secured with the channel 448b, and by the channel 114b in the housing 100b.